

REBECCA LEMPERLE

v.

VINCENT TJOTA; AVIS RENT A CAR SYSTEMS, LLC;  
PV HOLDING CORP., et al.,

NOTICE OF REMOVAL OF ACTION (DIVERSITY)

Exhibit “A” – *Complaint, dated October 20, 2017*

LEMP-000001 – LEMP-000005

Electronically Filed  
10/20/2017 4:59 PM  
Steven D. Grierson  
CLERK OF THE COURT



**COMP**  
Paul D. Powell, Esq.  
Nevada Bar No. 7488  
Michael A. Kristof, Esq.  
Nevada Bar No. 7780  
The Powell Law Firm  
6785 W. Russell Road, Suite 210  
Las Vegas, Nevada 89118  
paul@tplf.com  
Phone: (702) 728-5500  
Facsimile: (702) 728-5501

Attorneys for Plaintiff

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

REBECCA LEMPERLE, individually,

Plaintiff,

vs.

VINCENT TJOTA, individually; AVIS RENT A  
CAR SYSTEMS, LLC, a foreign limited liability  
company; PV HOLDING CORP., a foreign  
corporation; DOES I-X, and ROE  
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO. A-17-763465-C

DEPT. NO. Department 6

**COMPLAINT**

Plaintiff REBECCA LEMPERLE, by and through her attorney of record, PAUL D.  
POWELL, ESQ., of THE POWELL LAW FIRM, complains against Defendants as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff REBECCA LEMPERLE ( hereinafter "Plaintiff") is, and at all times mentioned herein, was, a resident of the County of Clark, State of Nevada.
2. Defendan VINCENT TJOTA is, and at all times mentioned herein, was, a resident of Singapore.

- 1           3.     Defendant AVIS RENT A CAR SYSTEMS, LLC, is, and at all times mentioned  
2                 herein, was, a foreign limited liability company licensed to do business in the County  
3                 of Clark, State of Nevada.
- 4           4.     Defendant PV HOLDING CORP. is, and at all times mentioned herein, was a  
5                 foreign corporation licensed to do business in the County of Clark, State of Nevada.
- 6           5.     The true names and capacities of the Defendants designated herein as Doe or Roe  
7                 Corporations are presently unknown to Plaintiff at this time, who therefore sues said  
8                 Defendants by such fictitious names. When the true names and capacities of these  
9                 Defendants are ascertained, Plaintiff will amend this Complaint accordingly.
- 10          6.     At all times pertinent, Defendants were agents, servants, employees or joint  
11                 venturers of every other Defendant herein, and at all times mentioned herein were  
12                 acting within the scope and course of said agency, employment, or joint venture,  
13                 with knowledge and permission and consent of all other named Defendants.
- 14          7.     On February 24, 2016 in Clark County, Nevada, Defendant VINCENT TJOTA -  
15                 while driving a rental vehicle owned by Defendant AVIS RENT A CAR SYSTEMS,  
16                 LLC and/or PV HOLDING CORP. - negligently caused a crash with Plaintiff.
- 17          8.     As a direct and proximate result of Defendants' negligence, Plaintiff sustained  
18                 injuries to Plaintiff's shoulders, back, bodily limbs, organs and systems, all or some  
19                 of which conditions may be permanent and disabling, and all to Plaintiff's damages  
20                 in a sum in excess of \$15,000.00.
- 21          9.     As a direct and proximate result of Defendants' negligence, Plaintiff received  
22                 medical and other treatment for the aforementioned injuries, and that said services,  
23                 in a sum in excess of \$15,000.00.
- 24                 in a sum in excess of \$15,000.00.
- 25                 As a direct and proximate result of Defendants' negligence, Plaintiff received  
26                 medical and other treatment for the aforementioned injuries, and that said services,  
27                 in a sum in excess of \$15,000.00.
- 28                 in a sum in excess of \$15,000.00.

1 care and treatment are continuing and shall continue in the future, all to the damages  
2 of Plaintiff.

3  
4 10. As a direct and proximate result of Defendants' negligence, Plaintiff has been  
5 required to, and have limited occupation and recreational activities, which have  
6 caused and shall continue to cause Plaintiff loss of earning capacity, lost wages,  
7 physical impairment, mental anguish, and loss of enjoyment of life, in a presently  
8 unascertainable amount.

9  
10 11. As a direct and proximate result of Defendants' negligence, Plaintiff's vehicle was  
11 damaged and Plaintiff lost the use of that vehicle.

12 12. As a direct and proximate result of the Defendants' negligence, Plaintiff has been  
13 required to engage the services of an attorney, incurring attorney's fees and costs to  
14 bring this action.

15  
16 **FIRST CAUSE OF ACTION**

17 13. Plaintiff incorporates paragraphs 1 through 12 of the Complaint as though said  
18 paragraphs were fully set forth herein.

19 14. Defendants owed Plaintiff a duty of care to operate the Vehicle in a reasonable and  
20 safe manner. Defendants breached that duty of care by striking Plaintiff's vehicle on  
21 the roadway. As a direct and proximate result of Defendants' negligence, Plaintiff  
22 has been damaged in an amount in excess of \$15,000.00.

23  
24 **SECOND CAUSE OF ACTION**

25 15. Plaintiff incorporates paragraphs 1 through 14 of the Complaint as though said  
26 paragraphs were fully set forth herein.  
27  
28

1           16.    The acts of Defendants as described herein violated the traffic laws of the State of  
2                   Nevada and Clark County, constituting negligence per se, and Plaintiff has been  
3                   damaged as a direct and proximate result thereof in an amount in excess of  
4                   \$15,000.00.  
5

6                                   **THIRD CAUSE OF ACTION**

7           17.    Plaintiff incorporates paragraphs 1 through 16 of the Complaint as though said  
8                   paragraphs were fully set forth herein.  
9

10          18.    Defendant AVIS RENT A CAR SYSTEMS, LLC and/or PV HOLDING CORP. was  
11                   a short term lessor as defined by Nevada law.

12          19.    Defendant AVIS RENT A CAR SYSTEMS, LLC and/or PV HOLDING CORP.  
13                   leased the vehicle to Defendant VINCENT TJOTA which Defendant VINCENT  
14                   TJOTA was driving at the time of the subject crash.  
15

16          20.    Defendant AVIS RENT A CAR SYSTEMS, LLC and/or PV HOLDING CORP. is  
17                   jointly and severally liable for the damages caused by Defendant VINCENT TJOTA.

18           WHEREFORE, Plaintiff expressly reserves the right to amend this Complaint prior to or at  
19           the time of trial of this action to insert those items of damage not yet fully ascertainable, pray  
20           judgment against all Defendants, and each of them, as follows:  
21

- 22           1.    For general damages sustained by Plaintiff in an amount in excess of \$15,000.00;  
23           2.    For special damages sustained by Plaintiff in an amount in excess of \$15,000.00;  
24           3.    For property damages sustained by Plaintiff;  
25           4.    For reasonable attorney's fees and costs;  
26           5.    For interest at the statutory rate; and  
27

28           ///

1           6.     For such other further relief as the Court deems just and proper.

2                 DATED this 20<sup>th</sup> day of October, 2017.

3                                 THE POWELL LAW FIRM

4   /s/ Michael Kristof

5  
6                                 \_\_\_\_\_  
7                                 Paul D. Powell, Esq.  
8                                 Nevada Bar No. 7488  
9                                 Michael A. Kristof, Esq.  
10                                Nevada Bar No. 7780  
11                                6785 W. Russell Road, Suite 210  
12                                Las Vegas, NV 89118